IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

F.A.O. No.413 of 2006 (O.&M.)
Date of decision: 8.9.2006

Harveer.

..... Appellant

Versus

Smt.Sushila Devi and others.

..... Respondents

CORAM : Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Babbar Khan, Advocate for Shri Vinod S. Bhardwaj,
Advocate for the appellant.

....

This F.A.O. arises out of award dated 12.8.2005 passed by the Presiding Officer, Motor Accident Claims Tribunal, Rewari (hereinafter described as `the Tribunal') in M.A.C.T.Case No.49 of 2001 awarding a sum of Rs.2,52,800/- in a death case and Rs.8000/- in an injury case.

The only submission urged by the learned counsel for the appellant is that the other vehicle had also contributed to the accident.

However, from the perusal of the impugned award and also during the course of arguments, it came to our notice that the author of the F.I.R., i.e. PW1- Partap Singh, who also received injuries in the accident, had not mentioned any such thing regarding contributory negligence of the other vehicle in the earliest version. Thus, we are not persuaded by the submission of the learned counsel for the appellant and the appeal is liable

to be dismissed in limine.

Moreover, the filing of the appeal is barred by nine days' delay and from the explanation given in the application, we do not find sufficient cause to condone the same.

Accordingly, the appeal is dismissed on account of delay and also on merits.

(Uma Nath Singh)
Judge

September 08,2006 (Mahesh Grover)
"SCM" Judge